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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,558

03/27/2006

Andrei Mijirtiskii

FR 030110

7146

24737

7590

04/02/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

CHU, KIM KWOK

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

04/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,558	<b>Applicant(s)</b> MIJIRTISKII, ANDREI	
	<b>Examiner</b> KIM CHU	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/27/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

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### ***Claim Objections***

1. Claim 8 is objected to because of the following informalities:

(a) in claim 8, line 9, the terms "the informative data" should be changed to --an informative data--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Maeda et al. (U.S. Patent 6,584,065), cited by applicant on the IDS of 5/22/07.

4. Maeda teaches an optical storage carrier having all of the elements and means as recited in claims 1-7. For example, Maeda teaches the following:

(a) with respect to Claim 1, the optical storage carrier 1 for use in an optical scanning device (Fig. 1), the carrier 1 comprising an entrance surface 1c' (Fig. 12); an information layer 1b' including a relief structure (pits) representative of

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readable data (Fig. 12); a transparent layer (protective layer) located between the entrance layer 1c' and the information layer 1b' through which the data is read from the information layer 1b'; and, a lead-in zone (Fig. 8A; inner region of 1) including informative data De indicating at least one radius where a thickness variation of the transparent layer potentially occurs (Fig. 8A; column 9, lines 32-65; predetermined area stored the data De in the inner rim side of the disc 1 is also a lead-in area).

(b) with respect to Claim 2, the informative data is permanent (Fig. 8A; predetermined data in lead-in area can not be overwritten).

(c) with respect to Claim 3, the informative data comprises the radius (Fig. 8A; column 9, lines 48-51).

(d) with respect to Claim 4, the informative data De comprises a pointer (coordinates) to the radius (Fig. 8A; column 9, lines 48-51).

(e) with respect to Claim 5, the informative data De further comprises a severity We (thickness error) indicator representative of a coarseness of the thickness variation potentially occurring at the radius (Fig. 8A; column 9, lines 32-47).

(f) with respect to Claim 6, the informative data is

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inscribed in the lead-in zone (De zone) during manufacturing of the carrier (Fig. 8A; error data is previously stored; column 10, lines 50).

(g) with respect to Claim 7, the radius is deducted from tests performed on carriers 1 manufactured by a same manufacturing process as the carrier (Fig. 8A; error data is previously stored; column 10, lines 50).

5. Maeda teaches a device having all of the elements and means as recited in claims 8-13. For example, Maeda teaches the following:

(a) with respect to Claim 8, a receptacle (base) for receiving an optical storage carrier 1 (Fig. 1) comprising an entrance layer 1c' (Fig. 12), an information layer 1b' including a relief structure (pits) representative of readable data and a transparent layer (Fig. 12; protecting layer) located between the entrance layer 1c' and the information layer 1b' through which the data is read from the information layer and a lead-in zone (Fig. 8A; inner rim); a radiation beam (from optical head 3) arrangement for focusing a light beam on the information layer 1b' through the transparent layer 1c' (Fig. 1); a measurement unit 4 for measuring the thickness of the transparent layer 1c' at the radius indicated in an informative

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data De (Fig. 8A; column 9, lines 32-65; a servo 5 (Fig. 1) for adjusting a focus of the light beam on the information layer at the radius based on the measured thickness (Fig. 1).

(b) with respect to Claim 9, the measurement unit 4 is adapted to derive respective thicknesses for other radii by interpolation or extrapolation based on the measured thickness (Figs. 8A-8C; De data is not need for all the thickness error of the disc 1).

(c) with respect to Claim 10, the servo 1 adjusts the focus at a respective radii based on the respective derived thickness (Fig. 1; spherical aberration is compensated)

(d) with respect to Claim 11, the measurement unit 4 is adapted to perform another measurement of the thickness of the transparent layer at another radius (Figs. 8A-8C; De is measured at a certain point of the disc 1).

6. Method claims 12 and 13 are drawn to the method of using the corresponding apparatus claimed in claims 8-11. Therefore method claims 12 and 13 correspond to apparatus claims 8-11 and are rejected for the same reasons of anticipation as used above.

**Prior Art**

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamada (5,737,284) is pertinent because Yamada teaches a disc having a lead-in area providing current accessing position information.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/, Examiner AU2627

March 30, 2008

(571) 272-7585

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627

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